

CIVIL DOCKET
UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
<p>SUMMIT INSURANCE COMPANY OF NEW YORK, plaintiff vs O'NEAL CONSTRUCTION, INC., LELAND EQUIP- MENT COMPANY, ALAMO EXPLOSIVES COMPANY, INC., and WILBUR A. DICUS, an individual d/b/a WADCO INTERNATIONAL,</p> <p style="text-align: right;">defendants.</p>		<p>For plaintiff: <i>Richard Gibson</i> James E. Poe <i>583 3195</i> Covington, Gibbon & Poe 217 Pythian Building <i>301 Beacon Bldg</i> Tulsa, OK 74103</p> <p>For defendant:</p> <p>Bradford J. Williams, Jr. <i>593-9161</i> 805 National Bank of Tulsa Bldg. Tulsa, Oklahoma 74103 Atty. for Leland Equipment Co. John B. Hayes (O'Neal Const.) Jay Galt Watts, Looney, Nichols, Johnson & Hayes 219 Couch Drive Okla. City, Okla. 73102 405 235-7641 Daniel J. Fowler (Alamo Explosives Co.) 219 Couch Dr. Okla. City, OK 73102 Ames, Daugherty, Black, Ashabranner & Rogers</p>					
STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.	
J.S. 5 mailed <i>9-1-74</i>	Clerk		8-1-74	Poe	15	00	
J.S. 6 mailed <i>5-1-75</i>	Marshal		8-8-74	C/D #7			15 00
Basis of Action: Interpleader Action.	Docket fee						
	Witness fees						
Action arose at:	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
8-1-74	1. Complaint, filed.k Summons issued.k	
8-20-74	2. ANSWER of deft. Leland Equipment Company, filed.jj	
8-26-74	Alias summons on Alamo Explosives issued. rm	
8-29-74	Summons, ret. & filed: served Leland Equipment Co., 8-1-74; served O'Neal Construction Co. Inc., Ann Arbor Mich., 8-23-74; <u>unserved</u> as to Alamo Explosives Co. Inc. and Wilbur A. Dicus, d/b/a Wadco International. (USM \$69.32)g	
9-6-74	Summons, ret. & filed: served Alama Explosives Co. Inc., Houston, Tx. 8-28-74. (USM \$4.36)g	
9-11-74	3. Answer of O'Neal Construction, Inc. and counterclaim against pltf., filed. hm	
9-12-74	4. Answer of Alamo Explosives Co., Inc. w/ COUNTERCLAIM, filed. k	
9-18-74	5. Amended Answer of Leland Equipment Co., filed. k	
9-30-74	6. Pltf's answer to counter-claim of O'Neal Construction, Inc, filed.k	
9-30-74	7. Answer to counter-claim of Alamo Explosives Co., Inc., filed by pltf. k	
9-30-74	8. Stipulation of facts, filed.k 0 to LB	
10-3-74	9. Order, filed, directing Clerk to pay out of the \$60,000.00 the following amts.: \$51,020.51 to O'Neal Construction, Inc. & John B. Hayes; \$755.84 to Alamo Explosives Co., Inc.; \$8,223.65 to Leland Equipment Co. (LB-J)k cps mld	
11-7-74	10. Motion of Deft. O'Neal Construction, Inc., for Summary Judgment, filed. v	
11-7-74	11. Memorandum of Law, filed. v	
11-7-74	12. Affidavit of Edgar Adams, filed. v	
11-7-74	13. Affidavit of Charles W. Fiebig, filed. v	
11-7-74	14. Affidavit of Joe E. O'Neal, filed. v	
11-7-74	15. Affidavit of James McEldowney, filed. v	
11-12-74	16. Affidavit of Joe E. O'Neal, filed. g	
12-16-74	Case called for hearing on motion for S/J of deft. O'Neal Construction. Statements made. Deft's motion is overruled; pltf. to prepare order. Case to be set on next pre-trial docket. (LB-J)hm	
12-23-74	17. Order overruling motion, filed and entered, that motion for S/J of deft. O'Neal Construction, Inc. is overruled & case to be set on next pre-trial docket. (LB-J)hm (copies mailed)	
12-31-74	Case set for pre-trial hearing 1-8-75 at 9:30 a.m. (LB-J)hm	
1-8-75	Partial pre-trial conf. held. Parties rep. by counsel of record. Dick Gibbens to be counsel for pltf. as firm dissolved; def. rep. by Jay Galt. Ct. to set matter down for evidentiary hrg. in future. Further pre-trial needed. (LB-J)rm	
1-23-75	MO:Ordered by ct. that case is set for evid.hrg. for 10 a.m.1/31/75.(LB-J)rm	(Contd)

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
1-30-75	MO: Order by the Ct. that this case is stricken from docket of 1/31/75 pending settlement. (LB-J)rm - notified by phone	
3-4-75	MO: ORDERED BY THE COURT that this case is set on the DISPOSITION DOCKET of 3-25-75 at 9:00 A.M. (LB-J)v -notices mld.	
3-25-75	Hearing held on parties failure to file settlement papers. Parties rep. by counsel of record. Pltf. announces settlement not being effected due to insolvency of pltf. Pltf. files Exhibit 1 relative to insolvency. Def. renews its motion for summary judgment, and over objections by pltf., Court grants defs. motion for summary judgment. Def. directed to prepare proper order. (LB-J)rm	
4-17-75	Judgement filed and entered that O'Neal Const. is granted judg. against pltf. Summit Ins. Co. in sum of \$8,979.49 + int. (LB-J)jj	
9-13-76	Partial release of judgment, filed. (\$8081.77 rec'd by O'Neal Const. Co., leaving bal. of \$897.72).	
<u>1983</u> 3-2	PLAINTIFF'S EX. #1 returned to pltf. counsel. hm	

DATE	PROCEEDINGS	Date Order or Judgment Noted